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Attorneys for Plaintiff
United States of America

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

JUAN MIGUEL CASTANEDA,

Defendant.

CASE NO. 1:23-MJ-00133-EPG

STIPULATION REGARDING EXCLUDABLE
TIME PERIODS UNDER SPEEDY TRIAL ACT;
FINDINGS AND ORDER

DATE: December 22, 2023
TIME: 2:00 p.m.
COURT: Hon. Erica P. Grosjean

This case is set for a preliminary hearing on December 22, 2023. The parties agree and stipulate to schedule the preliminary hearing on January 31, 2024, at 2:00 p.m. before the Duty Magistrate. The parties desire time to explore the possibility of a pre-indictment resolution. In order to gather the necessary information, review it, and engage in fruitful discussions, the parties need the time requested.

If the case is continued, this Court should designate a new date for the preliminary hearing. *United States v. Lewis*, 611 F.3d 1172, 1176 (9th Cir. 2010) (noting any pretrial continuance must be “specifically limited in time”).

STIPULATION

Plaintiff United States of America, by and through its counsel of record, and defendant, by and through defendant’s counsel of record, hereby stipulate as follows:

1. By previous order, this matter was set for a preliminary hearing on December 22, 2023.
2. By this stipulation, defendant now moves to schedule the preliminary hearing on

1 **January 31, 2024, at 2:00 p.m.** and to exclude time between December 22, 2023, and January 31, 2024.

2 3. The parties agree and stipulate, and request that the Court find the following:

3 a) The parties are discussing and conducting further investigation into pre-
4 indictment matters, and need additional time to conclude.

5 b) Counsel for defendant desires additional time to consult with his client, conduct
6 further investigation, and further discuss charges with the government.

7 c) Counsel for defendant believes that failure to grant the above-requested
8 continuance would deny him the reasonable time necessary for effective preparation, taking into
9 account the exercise of due diligence.

10 d) The government does not object to the continuance.

11 e) Pursuant to F.R.Cr.P. 5.1(c) and (d), a preliminary hearing must be held “no later
12 than 14 days after initial appearance if the defendant is in custody,” unless the defendant
13 consents and there is a “showing of good cause”. Here, the defendant consents and there is good
14 cause as set forth herein.

15 f) Based on the above-stated findings, the ends of justice served by continuing the
16 case as requested outweigh the interest of the public and the defendant in an indictment or trial
17 within the original dates prescribed by the Speedy Trial Act.

18 g) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161,
19 et seq., within which an indictment must be filed and within which a trial must commence, the
20 time period of December 22, 2023 to January 31, 2024, inclusive, is deemed excludable pursuant
21 to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at
22 defendant’s request on the basis of the Court’s finding that the ends of justice served by taking
23 such action outweigh the best interest of the public and the defendant in a speedy
24 indictment/trial.

25 4. Nothing in this stipulation and order shall preclude a finding that other provisions of the
26 Speedy Trial Act dictate that additional time periods are excludable from the period within which an
27 indictment must be filed and a trial must commence.

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IT IS SO STIPULATED.

Dated: December 19, 2023

PHILLIP A. TALBERT
United States Attorney

/s/ ARIN HEINZ
ARIN HEINZ
Assistant United States Attorney

Dated: December 19, 2023

/s/ KEVIN ROONEY
KEVIN ROONEY
Counsel for Defendant
FRANCISCO JAVIER
BELTRAN

FINDINGS AND ORDER

1) This Court finds pursuant to F.R.Cr.P. 5.1(c) and (d) that there is good cause to schedule the preliminary hearing in this matter for January 31, 2024, at 2:00 p.m before the Duty Magistrate Judge.

2) For the purpose of computing time under the Speedy Trial Act, 18 U.S.C. § 3161, et seq., within which an indictment must be filed and within which a trial must commence, the time period of December 22, 2023 to January 31, 2024, inclusive, is deemed excludable pursuant to 18 U.S.C. § 3161(h)(7)(A), B(iv) because it results from a continuance granted by the Court at defendant's request on the basis of the Court's finding that the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy indictment/trial.

IT IS SO ORDERED.

Dated: **December 19, 2023**

/s/ Eric P. Grogan
UNITED STATES MAGISTRATE JUDGE